UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

PREMIER ENTERTAINMENT BILOXI, LLC   PLAINTIFF/
D/B/A HARD ROCK HOTEL & CASINO BILOXI,   COUNTER DEFENDANT
A DELAWARE LIMITED LIABILITY COMPANY

U. S. BANK NATIONAL ASSOCIATION   INTERVENOR PLAINTIFF/
                                                                                        COUNTER DEFENDANT

V.   CIVIL ACTION NO. 1:06cv12-LTS-RHW

JAMES RIVER INSURANCE COMPANY, AN   DEFENDANT/
OHIO CORPORATION   COUNTER CLAIMANT

ORDER

Defendant/Counter Claimant James River Insurance Company (James River) has filed a [88] motion for this Court to reconsider its [86] Order entered on February 7, 2007. After more procedural maneuvering, about all that is offered by James River and Plaintiff/Counter Defendant Premier Entertainment Biloxi, LLC (Premier), other than a re-hash of their former arguments, is that the [87] Order for Mediation is not likely to bear much fruit. The Court acknowledged in [86] that mediation might not be successful in this matter, and, in that event, provided guidance in the future conduct of this litigation.

While "[t]he Federal Rules do not recognize a 'motion for reconsideration' *in haec verba*," *Lavespere v. Niagara Machine & Tool Works,* Inc., 910 F.2d 167, 173 (5th Cir. 1990), *cert. denied*, 510 U.S. 859 (1993), *abrogated on other grounds by Little v. Liquid Air Corp.*, 37 F.3d 1069, 1075 n.14 (5th Cir. 1994), the arguments offered by James River and Premier do not satisfy the standards of either Fed. R. Civ. P. 59(e) or 60(b). The Court remains of the opinion that this cause of action is not in a position for summary disposition. Further, the Court will not proceed in piecemeal fashion. It is time for the parties to conduct themselves in strict compliance with the directives of [86] and [87]. Failure in any regard thereto shall result in the imposition of sanctions.

Accordingly, **IT IS ORDERED**:

James River's [88] Motion to Reconsider is **DENIED**.

SO ORDERED this the 26th day of February, 2007.

s/ *L. T. Senter, Jr.*

L. T. Senter, Jr.
Senior Judge